

**Special Education Advisory Council
Cornhusker Hotel
April 16, 2009**

SEAC MEMBERS PRESENT: Ewing, Grossnicklaus, Kimes, Kloke, Mercer, Phillips, Prillaman, Proskovec, Renner, Shroeder, Slater, Snyder, Thode, VanWassenhoven

MEMBERS ABSENT: Busse, Clark, Hopkins, Kanter, Kimmons, Montgomery, Stahla, York

TECHNICAL ADVISORS PRESENT: Davis, Gordon

NDE STAFF PRESENT: McClain, Sherman, Kasl, Wierda, Dymacek, Berst

The meeting of the Special Education Advisory Council (SEAC) commenced at 9:00 a.m. Public notification of this meeting was made on the Nebraska Department of Education web site and in the Journal Star.

ANNOUNCEMENTS

Members were welcomed and announcements were made. The Open Meetings Law was posted on the front table.

APPROVAL OF JANUARY 15, 2009 MINUTES

Carol Renner moved and Kathy Grossnicklaus seconded a motion to approve the January 15, 2009, meeting minutes as submitted.

VOTE: Aye - Ewing, Grossnicklaus, Kloke, Mercer, Phillips, Proskovec, Renner, Shroeder, Thode, VanWassenhoven
 Nay - None
 Abstain - Kimes, Prillaman
 Absent - Busse, Clark, Hopkins, Kanter, Kimmons, Montgomery, Slater, Snyder, Stahla, York

The motion carried.

AGENDA

The agenda for the day was reviewed and some suggested revisions were made. A motion to approve the agenda as amended was made by Vickie Prillaman and seconded by Kathy Ewing.

VOTE: Aye - Ewing, Grossnicklaus, Kimes, Kloke, Mercer, Phillips, Prillaman, Proskovec, Renner, Shroeder, Slater, Thode, VanWassenhoven
 Nay - None
 Abstain - None
 Absent - Busse, Clark, Hopkins, Kanter, Kimmons, Montgomery, Snyder, Stahla, York

The motion carried.

YOUTH LEADERSHIP COUNCIL

Kristi Berst reported on the activities of the Youth Leadership Council. There are 15 members on the Council with the heaviest representation in the NE area of the state. At this time, there were no applicants from the SE area of the state. Kristi shared that the youth have disabilities including learning disabilities, Aspergers syndrome, hearing loss, vision impairment, and medical conditions. Topics they wanted to discuss were technology that is available for the classroom, and bullying information. The first membership will continue on the Council until age 21 and their replacements will be appointed with staggered terms. They have attended two conferences and participated in youth panels. Next they are hoping to work on developing a web site. Mary Phillips heard the youth speak at the Transition Conference and thought they did a great job of communicating their role as members of the Council and what they are working on. For more information about the Council members can contact Kristi at, kristi.berst@nebraska.gov.

ANNUAL REPORT TO STATE BOARD

Carol McClain talked about the Annual Report for SEAC and asked for suggestions from SEAC. It was suggested that a description of what all the committees do be added and to continue to include the names and towns of each of those members. The Standing Committee names may change due to legal requirements.

COUNCIL MEMBERSHIP 2009-2013

Carol McClain shared that there is an unusual number of members leaving the Council this year. After completing a vacated term, Kay Schroder will continue on the Council filling her own term. Steve Slater is retiring this year and will no longer fill his term. Mary Kay Kimmons is retiring from Westside Schools and will not continue to fill her term. Anita Clark is resigning because of personal reasons. Donna Montgomery has had health issues and is resigning. Jerome Hopkins is resigning due to conflicts. Four people have completed their terms; Ken Kloke, Mary Phillips, Carol Renner, and Vickie Prillaman. With all of these changes, there are ten positions that will need to be filled before the fall meeting. A handout was provided with the categories that are open and the State Board regions that need filled. A copy of the application was given to all members to share with people in their area. Special education directors are notified of the openings. It was suggested that Carol contact the parents of the Youth on the Youth Leadership Council.

SEAC BROCHURE

Carol McClain shared a copy of a SEAC brochure she put together. It can be used to help people understand what SEAC does and to share with prospective SEAC applicants. It was suggested that a copy be put on the NDE web site as a .pdf document. Members shared that the brochure is a great tool to have and that adding a date on the back would be helpful to know if you have the most recent version.

EXECUTIVE COMMITTEE

A motion was made by Sandi Proskovec and seconded by Charlene Snyder to amend the agenda to include filling Anita Clark's vacancy on the Executive Committee.

VOTE: *Aye* - Ewing, Grossnicklaus, Kimes, Kloke, Mercer, Phillips, Prillaman, Proskovec, Renner, Shroeder, Slater, Thode, VanWassenhoven
 Nay - None
 Abstain - None
 Absent - Busse, Clark, Hopkins, Kanter, Kimmons, Montgomery, Snyder, Stahla, York

The motion carried.

Mary Phillips shared that the Executive Committee members have a phone conference about three weeks prior to each meeting to determine the agenda. The four members on the Executive Committee represent the four membership "classes" and include at least 50% parents. The executive committee member serving their final year on the Council would be the Council Chair. To fill Anita Clark's position on Exec, a ballot vote was taken for the four members that are in the same membership "class" as Anita. The members eligible for the seat were Janet Busse, Kathy Ewing, Mary Kanter and Karen Thode. After the votes had been tallied, it was announced that Karen Thode would fill the vacant Exec seat. It was shared that particularly with so many new members joining the Council next year, an orientation and mentoring system would be important.

MEETING DATE

Discussion was held around possible meeting dates for the first meeting in the fall. The Council came to consensus to set the fall meeting date as September 24, 2009.

PUBLIC COMMENT

No public comment was given.

LEGISLATIVE ACTIVITIES

Sandi Proskovec shared information that she had gathered on legislation. Her Senator's office highlighted the following bills that impact children with disabilities: LB342 Provide duties for the Department of Health and Human Services relating to payment for pediatric feeding disorder treatment, introduced by Senator Gay; LB136 Change provisions for eligibility for medical assistance, introduced by Senator Avery; LB356 Direct distribution of General Funds for Nebraska children in need of behavioral health services, introduced by Senator Dubas; LB346 Adopt the Children and Family Behavioral Health Support Act, introduced by Senator Gay. Updates from the NASB Legislative Newsletter have been e-mailed periodically from Sandi on educationally related bills.

Mary Gordon provided follow-up on the Developmental Disabilities Waiting List study that had been done during the year. She has been told that the Appropriations Committee is seriously considering adding funds for the waiting list. It is not known how they will prioritize who will receive services first. The site, www.dhhs.ne.gov/networkofcare, has a great way for citizens to easily contact their

Senators.

2009 IDEA GRANT APPLICATIONS

Beth Wierda and Carol McClain provided an update on the IDEA Grant Applications. The Part C, IDEA Application is written for funding for children from birth to age three. The application has been written, is out on 60-day public review and is due to the federal office on May 18. Application assurances require that states specifically mention students who are Native American in their Rule. Nebraska will not be able to approve changes to Rule 51 in this timeframe; therefore, will seek conditional approval with the changes being made within a year. Funding levels will remain the same as last year.

The Part B, IDEA Application is written for services to children, ages 3 – 21 and is also out on review. In December some new federal regulations came out that are not in Rule 51 yet. The new regulations deal with parent withdrawal of consent. Part B will also seek conditional approval and will be beginning the Rule revision process soon.

Part B State Set-Aside Dollars

Gary Sherman shared the plan for State Set-Aside Dollars as reported in the application to the federal office. The total amount awarded for Part B services is \$74.2 million, which represents a \$3.2 million increase from last year. Administration is allotted \$1.4 million, \$66.1 million flows to school districts and \$6.7 million in state set-aside is used for statewide activities. State set-aside funds will be allocated for: assistive technology, special education services for youth in corrections, Childfind, SCIP grants for districts to meet deficiencies, transition, mediation/due process, Autism Spectrum Disorders Network to support regional programs, ESU collaborative grant to assist with monitoring (ILCD), Response to Intervention, Parents Encouraging Parents (PEP), personnel shortages, professional development and training, and development of an alternate assessment. The Council appreciated that these activities closely follow the Council priorities.

It was shared that in 1970 the Feds said they would provide 40% of special education funding. The original allocation provided only 10% of the costs. It later increased to 17% and has remained at this level. With the ARRA dollars, federal funding will be at 34% for two years.

A motion was made by Kathy Grossnicklaus and seconded by Norma Mercer to give SEAC approval of the Part B and Part C, IDEA Applications and allocation of state set-aside dollars.

VOTE: Aye - Ewing, Grossnicklaus, Kimes, Kloke, Mercer, Phillips, Prillaman,
 Proskovec, Renner, Shroeder, Slater, Snyder, Thode, VanWassenhoven
 Nay - None
 Abstain - None
 Absent - Busse, Clark, Hopkins, Kanter, Kimmons, Montgomery,
 Stahla, York

The motion carried.

American Recovery and Reinvestment Act (ARRA) 2009

Gary Sherman provided information about ARRA and what it will mean for Nebraska. One source of funding from ARRA is IDEA funding in addition to regular grant funding received each year. Nebraska's IDEA portion of ARRA is \$74.6 million for Part B, \$2.3 million for Preschool and \$2.5 million for Part C, totaling \$79.5 million. This amount doubles the funding ordinary received from the federal government. All of the Part B funds will flow to school districts. Some of the Part C funding will remain at the state level. To date, 50% of these funds have been received in Nebraska with the remaining portion to come in October, 2009. The state will amend the application to show additional record keeping requirements that will be done to meet transparency requirements of AARA funds. Districts must make a separate application for the funds on the web and will be available around May 1. Reporting requirements will be a challenge but will be made as easy as possible. The grant start date will be February 17, 2009 and all funds must be obligated by September 20, 2011. The federal directive has been to spend quickly to save and create jobs, increase student achievements, assure transparency and invest in one-time projects.

School districts and states must separately account for these dollars. Examples that have been provided for their uses are assistive technology devices and training, professional development, data collection and systems, inclusive preschool options, transition coordinators, and staff. The 50% factor says that when a district receives an increase in funding, 50% of the increase can be used to help meet the local maintenance of effort. This rule should help districts in meeting their maintenance of effort requirements. As has been the policy, 15% of special education funds can be used for early intervening services for children at high risk. The use of funds for construction modifications to allow accessibility of programs for students with disabilities is being clarified at this time. Equipment purchases over \$5000 must have prior approval.

State Fiscal Stabilization Funds go directly to the Governor. It appears that some of this funding will be allowed for education purposes. These funds can be used for items such as IDEA funding, maintenance of effort, and building construction/renovation. The Governor and Legislature are working to clarify the uses for these funds.

There is more flexibility with the Part C, ARRA funds. Nebraska is planning to make 50% available directly to the school districts and use 50% at the state level for training activities and statewide initiatives.

All school districts will have access to these funds. Applications will come in by web application which will help speed the approval process. Individual district maintenance of effort issues should be handled by contacting NDE for assistance in working through the process. As school districts begin to discuss their options for the use of these funds some ideas that have surfaced are materials, supplies, adaptive playground equipment, Smart boards for the classroom, transition materials, and assistive technology devices.

RECOGNITION OF RETIRING MEMBERS

Gary Sherman shared his appreciation for the members who make SEAC a priority over the many other things in their lives. Retiring members were thanked for their contributions. SEAC is the main body of advice for special education issues in the state. Certificates were awarded to Steve Slater who is retiring and to Mary Phillips, Ken Kloke, Vickie Prillaman, and Carol Renner who have completed their terms.

STATEWIDE IMPACT AREAS

Rose Dymacek shared information on the Statewide Impact Areas. NDE wanted to connect all the federal reporting requirements with something that is meaningful for districts and impacts student learning. The impact areas have been defined as topical umbrellas titled; Academic achievement and outcomes, Communication and relationships, Transition, and General Supervision. Feedback from OSEP was favorable and they are promoting this idea to other states. Districts will be asked to make the best use of ARRA funds by making impact on these areas. A resource guide will be developed to help schools. The impact areas are a framework for a developmental process that uses multiple data sources to help guide schools in their decision making process. Focus on the state level will be working with schools on compliance issues.

PARENTS ENCOURAGING PARENTS

Ann Figard, Connie Masten, and Gina Roth presented on Parents Encouraging Parents (PEP). The PEP Conference occurs annually in March and is modeled after the PEP in Colorado. This is a two and a half day conference to give parents of children with disabilities a chance to get together, share experiences and offer topics of interest. There is no registration fee and meals and lodging are provided for participants by IDEA funds. There is focus on the feelings and emotions of parenting a child with disabilities. Participants must agree to the guidelines of participation. They find it most beneficial that married couples attend together. There are 24 staff members for PEP, including Norma Mercer.

POST SECONDARY STUDY

Amanda Richardson and Stacia Jorgensen from the Bureau of Sociological Research at UNL spoke about data collected in the Post-Secondary Study. They are a non-profit organization that offers fee-for-service data collection and organization and are managing the Nebraska Post-School Outcomes project for NDE, special education. Given one-year post graduation, the phone-survey instrument includes current and past employment history, contact with adult agencies, post-high school experience and education. A pre-notification letter goes out to students and the call is made multiple times if necessary to reach the student or guardian. 61% of surveys were completed by the student versus the parent. Over 1000 interviews were completed at about 46% of the total students submitted. 64% of respondents were currently employed and 86% either are or have been employed since high school. A data booklet of the results was provided.

PLANNING FOR THE FUTURE

Carol McClain reviewed the SEAC goals and belief statements for member consideration. She then showed the impact area assessment data from the Annual Performance Report. Some areas experience slippage and SEAC was asked to consider what this may mean. All data was reviewed.

After addressing Nebraska's data issues, SEAC was asked to reflect on the goals that had been established by SEAC.

- It was mentioned that residency has been a priority but not addressed much. NSSRS has helped in tracking students as they moved from district to district. Perhaps this is no longer an emerging issue.
- Services for youth 18-21 are not specifically addressed, but priorities should be the things SEAC can have the most influence on. Working with other agencies should be considered as part of the work.

SEAC will do a more comprehensive review of the priorities in the fall.

ADJOURN

The meeting adjourned at 3:45 p.m.